

Chapter 16 CHILD SUPPORT

16.1.0 DIRECT DISTRIBUTION

It is believed that the direct distribution of child support to the family will encourage both noncustodial and custodial parents to cooperate with child support enforcement efforts. To test this belief, Wisconsin, in cooperation with the Federal government, conducted a study known as the Child Support Demonstration Project. Under the Demonstration, most families received all of the child support paid on their behalf. However, some families receive only a portion of the child support paid on their behalf, depending upon the type of services received.

The data collection for the four-year evaluation was completed as of July 1, 2002. The demonstration used a control group that received either 41 percent of the amount paid or \$50 of support paid, whichever is greater, and a treatment group (plus all others participating in W-2) who received the full amount of child support. In July 1999 the Department of Workforce Development stopped making assignments to the control group and experimental group for new applicants of W-2. As of July 1, 2002 new rules allow Wisconsin to allow full-pass through to all W-2 families receiving W-2 cash payments. This means the control group will receive 100% of their child support.

CARES continues to display the Child Support Demonstration Project group assignment on CRAR and ACCH for tracking and historical purposes.

The child support income does not count toward the 115 percent gross income test (see Chapter 3.2.7.3.) Support owed for periods while the children received AFDC remains owed to the state and will not be passed through. However, unpaid support received after July 1, 2002 while the family received a W-2 cash payment will be passed through to the family.

16.2.0 REFERRAL TO CSA

All households with a child(ren) with an absent parent or with a father living in the home who needs paternity established should be referred to the Child Support Agency (CSA). Fathers with children needing paternity establishment are:

- *Acknowledged father, non-conclusive*: voluntary acknowledgement without an effect of a judgement of paternity (pre May 1, 1998 in Wisconsin)
- *Alleged father*: named by custodial parent as probable father
- *Claimed father*: father lives with the child, claims to be the father but paternity not established.

Households with fathers in the home with children for whom paternity has been established should not be referred to the CSA. This would include:

- *Acknowledged fathers, conclusive*: voluntary acknowledgment with an effect of adjudgement of paternity (post May 1, 1998 if a Wisconsin birth).

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- *Adjudicated fathers*: paternity established through a court order.

All household members applying for or receiving W-2 services (employment positions, Custodial Parent of an Infant payments, Job Access Loans, food stamps or child care services) must maintain a cooperative status with the CSA in order to be eligible for W-2 assistance if there is an absent parent or a father in the home with a child for whom paternity has not been established. A paper referral is made to the CSA during the W-2 application process. To make a referral to the CSA, the W-2 agency must provide pre-eligible W-2 applicants with a coupon that waives the child support application fee. Applicants must then present this coupon to the CSA and complete an application for IV-D services. An automated referral is sent via APGI when W-2 eligibility is confirmed.

Each person referred by the W-2 agency will receive the full array of child support services to secure financial and medical support for their children, without paying an application fee for services. If this is a new child support case, the parent(s) in the W-2 case may need to furnish information to the CSA, either by completing questionnaires or by keeping an appointment in the CSA.

16.3.0 COOPERATION

In order to be eligible for a W-2 employment position, a Custodial Parent of an Infant payment, a Job Access Loan or a child care subsidy in a month, an applicant and any other parent in the W-2 household must fully cooperate with the local CSA identifying or locating the absent parent of the dependent child and obtaining support payments or any other payments or property to which the applicant/participant and the dependent child have rights.

Once eligibility is determined, cooperation must continue in order for the participant to maintain eligibility.

16.3.1 Noncooperation

The CSA makes the determination of whether an applicant is cooperating with child support enforcement services. A participant who is a custodial parent is considered to be cooperative if there is an open IV-D case for the child in question and no indicator of noncooperation noted. A noncustodial parent's cooperation must be determined by contacting the CSA.

If a W-2 applicant or any other member of the W-2 group who is a parent of a child refuses to cooperate with child support without good cause, the entire group is not eligible for a W-2 employment position, Custodial Parent of an Infant payment, Job Access Loan, or a child care subsidy. If the applicant or other member of the W-2 group is not cooperating with the CSA, they have seven working days in which to cooperate.

If a W-2 participant in a W-2 employment position or any other member of the W-2 group who is a parent of a child fails to cooperate with child support without good

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cause, the W-2 participant must be removed from the employment position and will lose their child care subsidy. The entire group is ineligible until cooperation with child support occurs.

If the W-2 case closes and the group reapplies, the individual who failed to cooperate with child support should be left in the noncooperation status when referred to the CSA. The group is ineligible until the individual cooperates or establishes good cause. An applicant/participant who fails three times without good cause to cooperate remains ineligible for W-2 services until all of the members of the W-2 group cooperates or for a period of six months, whichever is later. If a child support worker notifies the FEP that the report of noncooperation was in error, the FEP must not count the incident as one of the three times.

16.3.1.1

Good Cause

A *Good Cause Notice (DES-2018)* form must be provided to all W-2 applicants and to W-2 participants any time a new child is added to the W-2 group. This notice describes the participant's requirement to cooperate with child support and explains good cause reasons for not cooperating. Once the W-2 agency is notified by the county child support office of noncooperation by a W-2 participant, it is the responsibility of the FEP to determine whether there is good cause or not for the noncooperation. W-2 participants wishing to claim good cause for not cooperating with child support must complete the *Good Cause Claim (DES-2019)* form which explains how to claim good cause. Participants may also ask for and receive the *Good Cause Claim* form to help them decide whether or not to claim good cause for cooperating. However, when the W-2 agency and the county agency are not the same, if a client files a good cause claim with both the W-2 and county agencies, the SSP will evaluate the case and make the decision on whether to grant good cause. If the client requests a fact finding review and a fair hearing regarding the good cause determination, the fair hearing officer's decision will take precedence.

Good cause for noncooperation with child support exists when:

1. The applicant or recipient's cooperation is reasonably anticipated to result in either:
 - a. Physical or emotional harm to the child to such a degree the child's normal functioning is substantially affected; or
 - b. Physical or emotional harm to the applicant or recipient. This means the emotional harm is of such a nature or degree that it reduces that person's capacity to adequately care for the child; or
2. At least one of these circumstances exists and it is reasonably anticipated that proceeding to establish paternity and/or secure support would be detrimental to the child:
 - a. An adoption petition has been filed with court;
 - b. The child was conceived as a result of incest or sexual assault; or,

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- c. The parent is being assisted by a public or private social agency in deciding if his or her parental rights should be terminated and this hasn't gone on for more than 3 months.

Good cause status must be reviewed by the W-2 agency periodically. Any change in good cause status must be reported to the child support agency.

16.3.1.2 *Exception for Pregnant Women*

Pregnant women found eligible for W-2 services will be referred for child support services. Women with no existing dependent children who are pregnant or women with no existing dependent children who have given birth in the last 60 days will be exempt from the penalty for failure to cooperate. If the CSA sends a noncooperation notice, do not impose a sanction.

16.4.0 **CONFIDENTIALITY**

Neither the W-2 agency nor the child support agency may release information to a person regarding the whereabouts (address, phone number and employer name, location or phone number) of another person including a custodial parent or noncustodial parent if any of the following applies:

- a. The person seeking the information is subject to a temporary restraining order or injunction with respect to the person about whom the information is sought and the W-2 agency or child support agency has notice of the temporary restraining order or injunction; or
- b. The W-2 agency and child support agency have reason to believe that releasing the information may result in physical or emotional harm to the person about whom the information is sought.

16.5.0 **SERVICES**

W-2 participants in all components and other members in the W-2 group who are custodial or noncustodial parents of a child must cooperate with child support services. This is true regardless of whether a family receives a full or partial pass-through of child support collected. This ensures that all children have the maximum opportunity to be part of a household that is self-sufficient.

Each W-2 child support case must be offered a review of the support order every three years for possible adjustment to ensure that cases with fixed sum orders keep pace with noncustodial parent income. If either parent requests a review, the child support agency will collect the noncustodial parent's income information and compare it to the support guidelines. If an adjustment is warranted, stipulations will be drafted or adjustments will be requested in court.

16.5.1 Continuation of Child Support Services

When a participant leaves the W-2 program or is determined ineligible, child support services will continue automatically unless the custodial parent requests that the agency close the case. There will be no new application fee or application process necessary. Thereafter, the individual is subject to the child support fee structure and to court costs.

16.6.0 CHILDREN FIRST

Children First is a program which promotes the emotional and financial responsibility that a noncustodial parent has towards his/her child(ren). The noncustodial parent who has no current means of meeting a child support obligation and does not work full-time may be ordered by the court into the Children First program. The Children First program provides job search assistance, work experience, education and training opportunities, and case management services designed to enable eligible noncustodial parents to obtain and retain employment. The Children First program is successfully completed when a participant makes full child support payments for three consecutive months or completes 16 weeks of employment and training activities. If these goals are not achieved, the participant may be referred to court for appropriate disposition.

A successful Children First program reinforces a parent's responsibility for the continuing growth of the relationship between the child(ren) and the noncustodial parent.

16.7.0 NONCUSTODIAL PARENTS

W-2 for noncustodial parents is a voluntary program that will not require court ordered participation. Noncustodial parents may seek job search assistance and case management services to facilitate their entry into the labor market, before court action becomes necessary to enforce child support. In order for a noncustodial parent to be eligible for these services, s/he must be under a current child support order, or in the process of having one established, and the custodial parent must be participating in W-2. (See 14.2.0).